

# Notice of Overseas Federal Assistance Award Certification and Assurances

## **Introduction:**

Pursuant to U.S. Code, Title 218, Section 1001, stated on OMB Standard Form 424 (SF-424), Department of State is authorized to consolidate the certifications and assurances required by Federal law or regulations for its federal assistance programs.

## Recipients:

The recipient ensures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by a Department of State (DOS) grant or cooperative agreement by signing the SF- 424. In addition, the applicant agrees that it is under an obligation to comply with the standard terms and conditions of the grant agreement or cooperative agreement issued for its project, cost and activities approved, by DOS. The applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. Further, the recipient understands the Presidential Executive Orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the recipient or its project. In signing, the SF-424 application and/or grant agreement the applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project.

## Sub-recipients:

The recipient itself is ultimately responsible for compliance with DOS certifications and assurances it has selected even though the project may be carried out whole or in part by one or more sub-recipients. Thus, if sub-recipients will be participating in the project, when the recipient agrees to the certifications and assurances, at time of application, the recipient is also signifying that it will be responsible for compliance both by itself and by each of its sub-recipients with the provisions of the certifications and assurances it has selected. Thus, in agreeing to the certifications and assurances that necessarily involve the compliance of any prospective sub-recipient, DOS strongly recommends that the recipient take the appropriate measures, including but not limited to obtaining sufficient documentation from each sub-recipient, to assure the validity of the recipient's certifications and assurances to DOS.

**Each overseas applicant for Federal assistance** awarded by DOS must agree to the following certifications and assurances:

**TERRORISM -Blocking Property and Prohibiting Transactions Who Commit, Threaten To Commit, or Support Terrorism, Executive Order 13224:**

Executive Order 13224 designated 27 individuals and entities that commit or pose a significant risk of committing terrorist acts and authorized the Secretary of State to designate additional individuals and entities.

The recipients are reminded that U.S. Executive Order and U.S. laws prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the recipient/contractor to ensure compliance with these Executive Orders and laws.

**HOST COUNTRY LAWS (for non-US NGOs):**

The recipient's employees shall maintain private status and may not rely on local U.S. Government offices or facilities for support while under this recipient.

The sale of personal property or automobiles by recipient employees and their dependents in the foreign country to which they are assigned shall be subject to the same limitations and prohibitions which apply to direct-hire Department of State personnel employed by the Mission, except as this may conflict with host government regulations.

Other than work to be performed under this award for which an employee is assigned by the recipient, no employee of the recipient shall engage directly or indirectly, either in the individual's own name or in the name or through an agency of another person, in any business, profession, or occupation in the foreign countries to which the individual is assigned, nor shall the individual make loans or investments to or in any business, profession, or occupation in the foreign countries to which the individual is assigned.

The recipient's employees, while in a foreign country, are expected to show respect for its convention, customs, and institutions, to abide by its applicable laws and regulations, and not to interfere in its internal political affairs.

In the event the conduct of any recipient employee is not in accordance with the preceding paragraphs, the recipient's chief of party shall consult with the Department of State Mission Director and the employee involved, and shall recommend to the recipient a course of action with regard to such employee.

The parties recognize the rights of the U.S. Ambassador to direct the removal from a country of any U.S. citizen or the discharge from this award of any third country national when, in the discretion of the Ambassador, the interests of the United States so require.

**HOST COUNTRY LAWS (for PIOs):**

Member states of a PIO must respect the independence of the PIO, and the integrity of its operations within the framework of its charter. It is a general policy principle that PIOs, composed of many member nations, are not expected to subject their books and records to inspection by officials of each country participating in the organization. Accordingly, Department of State generally relies on the

international organization's management and its internal auditing and procurement policies and procedures.

**RELIGIOUS PERSECUTION:**

With regard to religious persecution in particular, the recipient must ensure that its personnel take into account in their work the considerations reflected in the International Religious Freedom Act concerning country-specific conditions, the right to freedom of religion, methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.

**LIABILITY:**

The recipient shall hold and save the Government, its officers, agents and employees harmless from all liability of any nature or kind, including costs and expenses, for or on account of any or all suits for damage sustained by any person or persons or property by virtue of performance of this award.

**PROTOCOL AND DECORUM:**

During the term of this award, the recipient will be associated with the Government in such a manner that the recipient's actions will reflect upon the Government and the United States. Therefore, the recipient will be responsible to the U.S. Public Affairs Counselor in charge regarding protocol and decorum at all times.

**LOBBYING RESTRICTION:**

The recipient agrees that none of the funds provided by this agreement shall be used by the recipient for lobbying or propaganda which is directed at influencing public policy decisions of the Government of the United States or any State or locality thereof. This provision shall not be construed so as to abridge the right of any recipient to exercise the same freedom of speech as is protected by the first article of amendment of the United States Constitution, so long as such recipient does not use funds provided under this award in exercising such right.

**CONTROLLED SUBSTANCES:**

By acceptance of this award and any assistance (payment) hereunder, the recipient certifies that the recipient will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance during performance of the award.

**DEBARMENT AND SUSPENSION:**

You must comply with requirements regarding Debarment and suspension in Subpart C of 2 CFR part 180, as adopted by the Arts Endowment in Title 2 CFR, Chapter 32, and Part 3254. There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds--for instance:

Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;

Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; or

Any other cause of so serious or compelling a nature that it affects an organization's present responsibility. In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that may have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three years.